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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,558	06/27/2003	Hideaki Kojima	009270-0304406	7287
909	7590	06/30/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			GOINS, DAVETTA WOODS	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	

2632

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,558

Applicant(s)

KOJIMA, HIDEAKI

Examiner

Davetta W. Goins

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-37 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 and 17-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al. (US Pat. 6,042,008).

In reference to claims 1, 5, 14, 17, 19, 27, 28, Ando discloses a) the claimed first antenna unit set in a booth provided at a road side traffic lane, which is met by vehicle class discriminator 4 arranged upstream an entrance side of the entrance toll gate lane 1 (col. 5, lines 10-23; Figure 1), b) the claimed second antenna unit, which is met by second vehicle detector 21 (Fig. 1), and c) the claimed data processor, which is met by controller 65 (col. 7, lines 62-67; col. 8, lines 1-8).

In reference to claims 2, 6, 7, 12, 13, 20-22, 30-36, Ando discloses the claimed IC card, which is met by in-vehicle unit 15 is further constructed to receive an IC card for storing the toll collection result. With this IC card being installed, the in-vehicle unit 15 is written by the control circuit 73 on the basis of the toll processing data, as given as a result of the communications (col. 8, lines 55-60).

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In reference to claims 3, 25, 26, Ando discloses the claimed second antenna portions provided at heights corresponding to the vehicle classes, which is met by a pair of vehicle height sensors 6 and 7 and a pair of vehicle separators 8 and 9 individually arranged at the medians 2 and 3 to face each other. In this vehicle class discriminator 4, the vehicle separators 8 and 9 detect a vehicle passing through the position of the opposed portions over the entrance toll gate lane 1 (col. 5, lines 1-32).

In reference to claims 4, 18, 29, 37, Ando discloses the claimed vehicle class discriminator and processor, which is met by vehicle class discriminator 4 and controller 65 (col. 7, lines 5, lines 24-67).

In reference to claims 9, 23, 24, Ando discloses the claimed collector to collect a short range of the toll, which is met by display unit 47 displays, when the toll collection fails, an instruction to cause the vehicle to make a stop at the bascule barrier 48. When no stop is required, the bar 48a of the bascule barrier 48 is raised to allow the vehicle to pass there through (col. 6, lines 52-67; col. 7, lines 1-13).

In reference to claim 10, Ando discloses the claimed transmitter, which is met by A first antenna 14 transmits a pilot signal at a predetermined time interval to the communication area A1 so that it may communicate with an in-vehicle unit 15 (as shown in FIG. 4), as mounted on an ETC vehicle (i.e., a vehicle to be subjected to the ETCS and carrying the unit), when the ETC vehicle comes in the communication area A1 (col. 5, lines 47-50).

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In reference to claim 11, Ando discloses the claimed guide, which is met by when the toll collection of the in-vehicle unit 15 is improper, the coming vehicle can be guided to the manned exit lane (Figures 1-3).

Allowable Subject Matter

3. Claims 15, 16, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.W.G.
June 27, 2005

Davetta W. Goins
Primary Examiner
Art Unit 2632